



# Town of Erin

## Corporate Report

**Department:** Community Services  
**Business Unit:** Planning & Development  
**Presented/  
Prepared By:** Elaine Leung, Planning Consultant

**Report Number:**  
PD2024-05  
**Meeting Date:**  
4/25/2024

### Subject

**Final Recommendation Report Zoning By-law (Z23-05) Simarjit Pangli, 5397 Wellington Road 125; an Amendment to rezone the property from Agriculture to Agriculture Site-Specific Zone to permit storage use**

### Recommendation

**Be it resolved that** Council hereby receives report number PD2024-05 “*Final Recommendation Report Zoning By-law (Z23-05) Simarjit Pangli, 5397 Wellington Road 125*” for information;

**And that** Council refuse the site-specific Zoning By-law Amendment Application by Simarjit Pangli, 5397 Wellington Road 125, on the basis that the application does not conform to the Provincial policies and the County and Town Official Plans.

### Background

A Zoning By-law Amendment application has been submitted to the Town of Erin by John Cox, on behalf of the landowner Simarjit Pangli, of 5397 Wellington Road 125.

The applicant is proposing to convert an existing riding arena, to an indoor commercial warehouse storage building for recreational vehicles (i.e. trailers, boats, RV’s, trucks, tractors). Additionally, the applicant is proposing to permit outdoor storage of these items, to be located to the rear of the building.

The subject property’s current Agriculture (A) Zone does not permit storage use and as such, the applicant is proposing a site-specific By-law Amendment to permit storage use within the existing riding arena building, to permit outdoor storage, and to recognize current site standards and conditions.

### Location

The subject site is legally described as Part Lot 13, Concession 3, in the Town of Erin, and is municipally known as 5397 Wellington Road 125.

The subject property is located on the east side of Wellington Road 125, located southeast of Wellington Road 124 and Wellington Road 125. The lands are located directly south of the Hamlet of Ospringe boundary.

The subject lands have a lot area of approximately 3.5 hectares (8.5 ac) with a lot frontage of approximately 91.05 metres (299.7 ft) on Wellington Road 125. The lot has a depth of approximately 497 metres (1,410 ft).

The subject lands contain an existing residential dwelling, a large riding arena, accessory building (garage) that has been converted into personal office space and two run-in shelters for horses. The subject property also contains a pond located to the rear of the property.

### **Existing Surrounding Uses**

The existing surrounding land uses include:

North: Two properties used for commercial purposes, including a farm implement dealership. These properties are located within a Hamlet Area.

East: A parcel of treed land owned by the Grand River Conservation Authority to the immediate east, and rural residential parcels located further east.

West: Two developing residential plans of subdivision; Ospringe Highlands Subdivision and Heard Subdivision, generally located to the west. These properties are located within a Hamlet Area.

### **Proposal**

The applicant is proposing to convert an existing riding arena, approximately 780 m<sup>2</sup> in size, into a commercial warehouse storage building for recreational vehicles (i.e. trailers, boats, RV's, trucks and tractors). Additionally, the applicant proposes the outdoor storage of these items to be located to the rear of the building.

Storage use is not permitted within the Agriculture (A) Zone in the Town of Erin Zoning by-law and as such, a Zoning By-law Amendment is required to permit the use on the subject property. The applicant is proposing a site-specific amendment to the zoning by-law in order to permit an existing building for storage purposes, to permit outdoor storage, and to recognize existing site conditions.

Town Staff and County Staff have identified concerns with the proposal including the following:

#### **1. Location**

- Storage use, namely commercial warehouse storage, is typically located in more urban areas, in commercial and industrial zones. It is not permitted in rural and agricultural areas. The applicant is not proposing to store items for personal use, but rather for commercial purposes. Staff note concerns with outdoor storage which would not reflect the character of the existing rural and agricultural area.

- The subject property is located directly across from a developing estate residential subdivision. As such, there are concerns with respect to land use compatibility. Staff note concerns related to potential ground contamination from the outdoor storage of motor vehicles, farm equipment etc. The proposed use may preclude the subject property from reverting back to agricultural uses in the future, and therefore would not meet the intent and character as an Agricultural lot.

2. Existing Site Conditions:

- The existing riding arena complies with the front yard setback of the Agriculture Zone (A), however it is highly visible from the road, with minimal screening. Staff note that visual screening such as vegetation or a solid fence, would provide a visual buffer from the road, as well as act as a noise buffer for the adjacent residential subdivision.

3. Outdoor Storage

- Staff is of the opinion that the existing riding arena is of a size large enough to provide ample storage contained wholly inside the building, and that outdoor storage is not an appropriate use on the property. Staff also note potential concerns should outdoor storage expand or increase beyond the area requested by the applicant. Additionally, staff note potential concerns should additional items and materials beyond the items currently being requested, become stored outdoors.

**Public & Agency Consultation**

The Statutory Public Meeting for this application was held on December 14, 2023. There were no members of the public who attended the meeting. There were no public comments received at or following the public meeting.

A summary of the comments received from external and internal review agencies are outlined below.

Department/Agency	Comments
County of Wellington Planning Department	<ul style="list-style-type: none"> <li>• Planning Staff have concerns with the proposal in this rural location, and the ability to meet the criteria of Section 6.5.3 of the Official Plan. Staff recommend that no outdoor storage shall be permitted, and the use shall be limited to the area of the existing building.</li> <li>• No external signage is permitted and buffering/screening are required to limit land use compatibility concerns.</li> </ul>
County of Wellington Roads Division	<ul style="list-style-type: none"> <li>• No comments.</li> </ul>
Town of Erin, Fire Department	<ul style="list-style-type: none"> <li>• No concerns with the proposed change in use.</li> </ul>

	<ul style="list-style-type: none"> <li>• A Site Plan drawing is required to show access for fire operations.</li> <li>• Further information is required for water requirements, and to show access to the building(s) proposed to change.</li> </ul>
Town of Erin, Building Department	<ul style="list-style-type: none"> <li>• The proposed use in an F3 occupancy.</li> <li>• When a farm building is changed to another major occupancy it is considered a change in major occupancy, per OBC 10.1.1.2(1) and 11.4.2.3(1)(d).</li> <li>• Access routes for fire department vehicles are required per minimum design criteria as per OBC 3.2.5.4 to 3.2.5.6.</li> <li>• Water supply is required for all buildings per OBC 3.2.5.7, Hydrants, reservoir, ponds, rivers. Natural water supply such as ponds and lakes must meet minimum volume and flow rates.</li> <li>• A performance evaluation of the building shall be submitted prior to building permit submission.</li> </ul>
Engineering, Peer Review	<p><b>Zoning By-law Amendment Comments</b></p> <ol style="list-style-type: none"> <li>1. Clarification should be provided regarding whether required fire routes are included in the outdoor storage area calculations.</li> <li>2. The Town should consider requiring a site plan agreement before the use as a storage warehouse or outdoor storage is permitted. For instance, including the following in the ZBA: <ol style="list-style-type: none"> <li>a. The storage warehouse and/or outdoor storage use requires a site plan agreement.</li> </ol> </li> </ol> <p>The following comments relate to engineering matters based that can be deferred until the Site Plan submission stage:</p> <p><b>Site Plan Comments</b></p> <ol style="list-style-type: none"> <li>1. The extent of the outdoor storage area should be shown on the plan. The developer should confirm with Fire Services that an open water source such as a surface water pond is a suitable source of fire suppression water.</li> <li>2. The topographical survey indicates that the existing pond has a water level of 388.24 masl. There is no indication of surface flow channels either into or out of the pond. Based on this information, it is likely that the water level is the existing groundwater elevation. The groundwater elevation should be monitored through at least 2 dry seasons in order to determine the seasonal low water elevation. This seasonal low elevation should be used in the calculation of firefighting storage volume</li> </ol>

	<p>available. Any additional water volume required above the available existing low water elevation will require further excavation of the pond.</p> <ol style="list-style-type: none"> <li>3. A Pond/Dry Hydrant Operations and Maintenance manual should include discussion on maintaining the required volume and removing any sedimentation that may reach the pond.</li> <li>4. The Town of Erin Engineering Standards state that the OBC and NFPA 1142, Water Supplies for Suburban and Rural Fire Fighting are to be used in the design of the dry hydrant. A comparison of the reservoir sizes resulting from both sets of calculations should be included.</li> <li>3. A Stormwater Management Report (SWMR) should be included as part of the Site Plan Approval submission. SWM facility sizing, water quality, water quantity, water balance, phosphorus loading, and any other items pertinent to the proposed stormwater system should be included in the SWMR.</li> <li>4. The eastern property boundary should include a stormwater swale sized to prevent runoff from the outdoor storage yard from flowing onto the neighbouring property. This water should be conveyed to the SWM facility.</li> <li>5. The fire route should continue into the outdoor storage area providing access to all areas intended for that use.</li> <li>6. Fire Services should confirm if a second dry hydrant is needed to provide fire protection coverage to the outdoor storage area. The rear of the outdoor storage area is approximately 130 m from the proposed hydrant.</li> <li>7. A geotechnical engineering should comment on the road structure of the fire route to ensure it is sufficient to support a fire truck.</li> </ol> <p>Further review at the time of Site Plan submission will include additional comments.</p>
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## Planning Analysis

### Provincial Regulations, Plans and Policies, Official Plans and Zoning

#### Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Policies which are relevant to the proposed are noted as follows:

Policy 1.1.5.2 – Rural Lands located in municipalities notes that permitted uses are:

- a) *The management or use of resources;*
- b) *Resource-based recreational uses (including recreational dwellings);*
- c) *Residential development, including lot creation, that is locally appropriate;*
- d) *Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
- e) *Home occupations and home industries;*
- f) *Cemeteries; and*
- g) *Other rural land uses.*

The proposed storage use does not meet the intent of this policy. The proposed storage use is not considered management or use of resources or other rural land uses. The use is not for personal agriculture use nor is it agriculture related. There are currently no farming or agriculture uses being conducted on the property, and therefore cannot be considered to be associated with agricultural or farming practices nearby, or on the subject property itself.

The proposed storage use will be contained within an existing building, and therefore does not meet the intent of a home occupation or home industry, which is typically conducted within the main dwelling.

Policy 1.1.5.4 states “*development that is compatible with the rural landscape and can be sustained by rural services levels should be promoted.*”

The proposed storage use is not considered an appropriate use in the rural landscape. As noted above, land use compatibility concerns arise with respect to noise, potential ground contamination and the commercial storage use in proximity to the existing residential subdivisions to the west and north.

Policy 1.1.5.7 states “*opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.*”

The proposed storage use is not supported in an agricultural or rural area. The use should be directed to a more appropriate commercial or industrial area. The proposed storage use does not meet the intent of the policies contained in the PPS.

#### County of Wellington Official Plan

The County of Wellington Official Plan (OP) and Town of Erin Official Plan (OP) designates the subject property as Secondary Agricultural Area.

The County of Wellington OP notes that agriculture will be the dominant use in Secondary Agricultural Areas, however a range of other uses may also be allowed.

Policy 6.5.3 – Permitted Uses, states the following:

*Permitted uses and activities in Secondary Agricultural Areas may include:*

- a) *All uses allowed in the Prime Agricultural Area;*
- b) *Small scale commercial, industrial and institutional uses:*
- c) *Public Service facilities.*

*In Secondary Agricultural Areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.*

Policies in the Prime Agricultural areas note that:

*Land use activities which support agriculture will be encouraged and land use activities which do not support agriculture will be discouraged. Permitted uses and activities in Prime Agricultural Areas may include:*

- a) *agricultural uses*
- b) *secondary uses including home businesses and farm businesses*
- c) *agriculture-related uses*
- d) *existing uses*
- e) *single detached homes*
- f) *Additional Residential Units subject to Sections 4.4.6,*
- g) *garden suites subject to Section 4.4.7*
- h) *accessory residence*
- i) *forestry uses*
- j) *wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts*
- k) *licensed aggregate operations*
- l) *community service facilities*
- m) *group homes on existing lots of records*
- n) *kennels on existing lots of record*

*All uses permitted by this section must be compatible with and not hinder surrounding agricultural uses.*

As noted above, the proposed use is conducted in a separate building, not contained in the main dwelling, which does not meet the intent of a home business. The proposed use is not for an agricultural use, not agricultural related, or supportive of a farm business. The proposed use is not a permitted use or activity intended for prime agricultural areas.

Further detailed policies outline what is considered as a small scale commercial, industrial and institutional uses in the Secondary Plan, and are outlined as follows:

## Policy 6.5.5 – Commercial, Industrial and Institutional

*Small scale commercial, industrial and institutional uses may be permitted provided that:*

- a) Appropriate sewage and water systems can be established;*
- b) The proposed use is compatible with surrounding uses;*
- c) The use requires a non-urban location due to:*
  - Market requirements;*
  - Land requirements;*
  - Compatibility issues.*
- d) The use will not hinder or preclude the potential for agriculture or mineral aggregate operations;*
- e) The use will be small scale and take place on one lot and large scale proposals or proposals involving more than one lot will require an official plan amendment.*

Staff note that the existing riding arena was constructed approximately fifteen years ago for equestrian use. The current owner purchased the property in October 2020 and now proposes to convert the riding arena for storage purposes, for commercial use. The applicant has not demonstrated that the use requires a non-urban location due to the requirements as noted above, but rather, purchased an agricultural lot with a large existing agricultural accessory building. The applicant submitted a Planning Justification Report as part of the application, however it does not satisfy the County's concerns with respect to meeting the intent of the above noted policies.

Staff note that there is a developing subdivision located directly across the street to the west, and an established subdivision located to the north. The proposed use would present land use compatibility concerns to these existing residences with respect to potential ground contamination concerns due to motor vehicle storage, farm equipment or machinery storage that may occur outside, and potentially beyond the existing riding arena. Storage use is an inappropriate use on the property as it may hinder the property from returning to agricultural operations in the future, and may affect neighbouring properties.

Staff note that two existing properties located to the north of the subject property are zoned Rural Commercial, including a farm equipment dealership. However, it is noted that these properties are located within the Hamlet Area settlement boundary. The subject property is located outside of this boundary area.

The proposal does not meet the intent of the policies of a small scale commercial or industrial use. The proposal does not meet the intent of the policies of the County's Official Plan.

### Town of Erin Official Plan

The subject property is designated as Secondary Agricultural lands in the Town of Erin's Official Plan (OP). Agricultural Areas consist of lands within the rural area which are



determined to be non-prime farmland, but which can sustain certain agricultural activities. It is intended that farming and agriculture will be the dominant use in these areas, however it is noted that other uses may occur as well.

*A broader range of residential, employment and community uses will be allowed than in prime agricultural so long as the use does not adversely impact existing agricultural operation and is in keeping with the rural character of the area.*

*Further, the “use of lands in the Secondary Agricultural Area designation shall be guided by the policies of Section 6.5 of the County of Wellington Official Plan.”*

The proposed storage use does not meet the intent of the Town of Erin’s OP policies. Storage use is not permitted in rural or agricultural areas, but rather in commercial or industrial areas. Therefore, the use would not be in keeping with the rural and agricultural character. Further, any proposed outdoor storage, or storage use occurring beyond the limits of the existing building, may present concerns on the lands due to ground contamination from motor vehicles or machinery, which would prevent the lands from potentially returning to agricultural lands again in the future.

Given the reasons listed above, the proposed storage use does not meet the intent of the Town of Erin’s Official Plan.

#### Town of Erin Zoning By-law 07-67

The subject property is currently zoned Agriculture (A), in the Town of Erin Zoning By-law 07-67, as amended. The A Zone permits agricultural uses and a detached dwelling. Storage uses are not permitted in the A Zone, and are typically limited to Industrial and Commercial zones.

The applicant is proposing a Zoning Amendment to permit commercial storage use on the lands. A site-specific zone is being proposed in order to recognize the existing building on the property (a riding arena) to be converted for the purpose for storage use, to permit outdoor storage, and to recognize current site conditions and standards.

The proposed storage use does not meet the intent of the Town’s Zoning By-law.

#### **Options for Council Consideration**

Staff do not support the proposed application to permit commercial storage use on the subject property, in particular with respect to storage use within the existing riding area. Additionally, Staff do not support proposed outdoor storage, due to reasons as listed above, including land use compatibility concerns with respect to the existing residential uses to the north and west, appropriateness of a commercial use in a rural agricultural area, and concerns due to noise and potential ground contamination.

However, should Council find merit in the application, and choose to approve the application, staff recommend returning to Council at a later date with an implementing By-law.

Further, in order to address concerns as noted above with respect to limiting the potential impact on adjacent residential properties, to prevent outdoor storage, and to preserve the character and integrity of an existing agricultural parcel, Staff recommends that wording be included in the By-law stating that all on-site storage shall be contained within the existing riding arena building, limited to 780 m<sup>2</sup> in size, that no further storage buildings be permitted, and that outdoor storage shall not be permitted.

Additionally, Planning staff recommend applying a Holding (H) symbol on the lands. Prior to removal of the Holding symbol, the Owner will be required to execute a Site Plan agreement. Detailed site design, requiring adequate visual screening/buffers to the adjacent residential properties, would be reviewed through the Site Application review process.

## **Strategic Pillar**

Growth Management

## **Financial Impact**

There is no financial impact associated with the proposed recommendation.

## **Conclusion**

Based on staff's review of the proposed Zoning By-law Amendment Application against Provincial Policies, Regulations and Guidelines, the proposed storage use in the existing building, and the outdoor storage area is not permitted in the Secondary Agricultural Area designation, nor on the Agriculture Zoned subject lands. Planning Staff do not recommend Council approve the application, as approval of the use is contrary to the current legislation.

## **Attachments**

Appendix A – Location Map

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